

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 18, 2002**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of September 18, 2002 was called to order by Mayor Pennino at 6:22 p.m.

Present: Council Members – Hitchcock, Howard, Land, and Mayor Pennino

Absent: Council Members – Nakanishi

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Actual Litigation: Government Code §54956.9(a); one case; *Citizens for a Quiet Kofu Park vs. City of Lodi*, San Joaquin County Superior Court Case No. CV 014871 (CA)

C-3 ADJOURN TO CLOSED SESSION

At 6:22 p.m., Mayor Pennino adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:40 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:02 p.m., Mayor Pennino reconvened the City Council meeting, and City Attorney Hays disclosed the following action.

In regard to Item C-2 (a), there was no reportable action taken by Council.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 18, 2002 was called to order by Mayor Pennino at 7:02 p.m.

Present: Council Members – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Captain Frank Severs, Lodi Salvation Army.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Mayor Pennino presented a Certificate of Recognition to Alison Wong-Bertsch, owner of Memories for the Making, who has received national recognition in being named “one of the ten best scrapbook supply stores in the country” by Better Homes and Gardens Magazine.

D-3 (b) Mayor Pennino presented a Certificate of Recognition to Douglas Eigenhuis, employee of Lodi City Cab, for exemplary service in assisting stranded motorists in Lodi.

D-3 (c) Katie Whitmire, member of the Greater Lodi Area Youth Commission, provided an update to Council on the Commission’s activities and accomplishments and presented the Teen of the Month award to Cristal Wong from Liberty High School.

D-3 (d) "Update on the activities and accomplishments of the Library Board of Trustees"

NOTE: This item was heard following the Consent Calendar.

With the aid of an overhead presentation, Christine Lavond, member of the Lodi Library Board of Trustees, provided the following information:

- In 1999 Library Administration embarked on a long-range planning process, leading to the development of the library's mission, which encompasses providing community members with the opportunity to learn to use the computer, have access to meeting rooms, and information to succeed academically.
- In the fall of 2000 the library introduced a patron's self check-out machine.
- The library has a circulation of 300,000 items annually.
- On a monthly basis the library has 25,000 to 30,000 visitors.
- 10,000 youth attend the children's programs annually.
- Beginning April 7, 2002 the library opened to the public on Sundays from 1:00 to 5:00 p.m.
- In 2000 the library received a literacy grant from the California State Library.
- 70 tutors teach adult students to read and write English; last year tutors devoted 4,000 hours.
- In 2001 the Library Board of Trustees commissioned the development of a library facilities master plan, which proposes to expand the current facility with a two-story addition, doubling its size.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Nakanishi, Hitchcock second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- E-1 Claims were approved in the amount of \$2,095,679.45.
- E-2 The minutes of August 21, 2002 (Regular Meeting), August 27, 2002 (Shirtsleeve Session), and September 3, 2002 (Shirtsleeve Session) were approved as written.
- E-3 Received the report of the sale of scrap metal.
- E-4 Approved the specifications for 21,000 feet of #2 jacketed 15kV concentric neutral underground electrical cable and authorized advertisement for bids.
- E-5 Approved the plans and specifications for one Multifunction Primary Injection Test Set and authorized advertisement for bids.
- E-6 "Adopt resolution approving replacement purchase of an AS400 mid-range computer from Logical Design, Inc., of Rancho Cordova, CA (\$120,817.78)" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar**.
- E-7 Adopted Resolution No. 2002-190 authorizing the appropriation of an additional \$15,200 for costs associated with providing temporary office facilities and other associated costs not originally anticipated, such as electric, data, and phone hookups, as well as providing for handicap access for the current Animal Shelter.
- E-8 Accepted improvements under Type II Polymer Modified Slurry Seal, Various City Streets, 2002 contract.
- E-9 Accepted improvements under Lodi Station Parking Structure, 50 North Sacramento Street, contract; and received notification of Contract Change Orders.

- E-10 Adopted Resolution No. 2002-191 appointing to the California Transit Insurance Pool (CalTIP) Board of Directors the City of Lodi Senior Human Resources Analyst as Director, and the City of Lodi Transportation Manager as Alternate Director.
 - E-11 Set public hearing for October 16, 2002 to consider electric rate changes for all classes excluding Residential SHARE Program and Residential Medical Rider due to California Independent System Operator (CAISO) charges.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider the Technical Equipment Purchase Proposal for Local Law Enforcement Block Grant Program.

Police Captain Main reported that in July 2002 the Police Department applied for a grant in the amount of \$85,000, which would include matching funds of \$8,500. The matching funds will come from the 2002-03 Police Department budget. An advisory board met on August 7 and it was the consensus of the board to use the grant funds for police technology.

In reply to Council Member Land, Captain Main confirmed that any purchases from the grant will first come to the Council for approval.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, unanimously adopted Resolution No. 2002-192 approving the Technical Equipment Purchase Proposal for Local Law Enforcement Block Grant Program.

H. COMMUNICATIONS

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous
 - a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report from July 1 through August 31, 2002.

I. REGULAR CALENDAR

- I-1 "Adopt resolution authorizing the City Manager to execute a Memorandum of Understanding between the City of Lodi and various railroads to construct track improvements allowing abandonment of the existing Lodi Avenue railroad tracks; and adopt resolution authorizing the City Manager to execute a contract with Mark Thomas & Company (\$428,054) for final design services and authorizing the City Manager to execute Measure K Cooperative Design and Construction Agreements; and appropriate \$7,275,000 for the project"

Public Works Director Prima reported that staff has been negotiating with three railroads regarding this project. The main goal of the project is to remove the railroad tracks on Lodi Avenue from the main line UP track to Cherokee Lane, with a secondary goal to maintain proper rail service to all industries on the east side. The solution arrived at was to reactivate the old Kentucky House branch along Lockeford Street and Victor Road. This involved rebuilding the track and the connections at the main line and rebuilding tracks along Lockeford Street and Victor Road, in addition to building a new track connection at the CCT near the Eastside Winery. The project also included constructing an interchange yard along the main line tracks north of Lockeford Street to allow traffic that is on the main line track to drop cars off, and the CCT to pick them up to take them to the industries. The preliminary cost estimate for the project was \$7 million. The railroads have agreed to accept the concept plan and a maximum contribution from the City of \$6.7 million. The City needs to design the improvements and acquire land for the track connection. The Council of Governments will be providing grant money through the Measure K program.

In reply to Council Member Howard, Mr. Prima stated that City funds (budgeted in 2001-03) will be coming out of the street impact fees, because as part of the project, the City will be acquiring right of way to allow eventual widening of Lockeford Street and Victor Road.

Mayor Pro Tempore Hitchcock asked what projects the City is giving up by using Measure K funds on this project.

Mr. Prima explained that the history of the project goes back to the Measure K element that had funding for grade separations. Only one grade separation in Lodi was identified in the Measure K expenditure plan, which was on Lodi Avenue. The cost of the grade separation was over \$13 million and Council decided to drop the project and asked that the Measure K money (\$3 million) be redirected to the railroad track removal project. Subsequent to that, the City was able to obtain additional funding from Measure K out of the Congestion Relief Program.

Council Member Howard clarified for citizens that the first step is paving over the railroad tracks. The track removal will be done later, as the rail plan is developed.

Mayor Pennino noted that in addition to paving over the tracks, staff will begin working with property owners on an entrance off Lodi Avenue to the Orchard and K-Mart shopping center.

MOTION/ VOTE:

The City Council, on motion of Mayor Pennino, Land second, unanimously adopted Resolution No. 2002-193 authorizing the City Manager to execute a Memorandum of Understanding between the City of Lodi and various railroads to construct track improvements allowing abandonment of the existing Lodi Avenue railroad tracks; and adopted Resolution No. 2002-194 authorizing the City Manager to execute a professional services agreement with Mark Thomas & Company, Inc., for final design services associated with the Lodi Avenue railroad track removal, authorizing the City Manager to execute Measure K Cooperative Design and Construction Agreements for the project, and further appropriating funds in the amount of \$7,275,000 for the project.

- I-2 "Adopt resolution approving the City of Lodi Fire Department Paramedic Business Plan (Ambulance Transportation Program) allowing the City to provide paramedic service and implement an emergency transportation program"

City Manager Flynn stated that the matters under consideration are: 1) whether the public sector should provide a service that is already being provided by the private sector, 2) whether the Fire Department should have paramedics on staff; and if so, 3) whether the Fire Department should also have ambulance transport to help offset the cost of

paramedics. He noted that this will need to be brought back for funding discussion during 2003-05 budget meetings.

Chief Pretz believed that the Fire Department's proposal will enhance public safety and pre-hospital emergency care. It will provide rapid response through the use of dual role firefighter paramedics and provide timely transport of sick and injured people to the nearest facility. Chief Pretz read the following letter into the record (filed):

"This letter will represent Lodi Memorial Hospital's support of improving the ambulance service in the Lodi area. As you know, Lodi Memorial Hospital has experienced significant growth in the number of ambulance arrivals to our emergency room over the past few years. The increase in arrivals was 15% greater for 2001 compared to 2002 and averaged 13 per day in 2001. The increase has only been 2% for the first 6 months of this year, yet this growth is substantial and challenges our resources to provide good quality care.

"Although the increases in ambulance arrivals are not solely from the Lodi area, all the ambulance stations that bring patients to us have increased. As we plan our future we anticipate that this increase in ambulance arrivals will continue.

"We are not in a position to determine the economic impact of another ambulance service in the Lodi area, but would be supportive of any move to increase the response time and quality of care delivered to our Lodi residents. I trust that our city council will give your proposal sufficient thought and make the appropriate decisions for the Lodi community. Signed Joseph P. Harrington, CEO"

Chief Pretz reported that records indicate the Council has been concerned about ambulance service for several years. In October 2000 the Fire Department was directed by Council to continue to evaluate a paramedic program. In January 2002 the Department presented Council with preliminary options. Council then directed the Fire Department to further define options and report back, which it did in July 2002. The Department was then directed by Council to develop a business plan to include emergency medical transportation. In October 2002 a former American Medical Response (AMR) supervisor reported to Council that there were only two ambulances in Lodi and they were used for interfacility transport when necessary.

Chief Pretz stated that the Fire Department's proposed emergency medical services program would be implemented over a three-year period. Describing the program, he reported the following information:

- Prior to fiscal year 2003-04 it would be necessary to hire an Emergency Medical Services (EMS) Coordinator.
- In 2003-04 six firefighter paramedics would be hired and one ambulance would be purchased, along with all necessary equipment. The Fire Department would then begin providing service to the City of Lodi in Zone 4. Chief Pretz noted that earlier in the year the Department was informed that it has been approved to receive an Office of Traffic Safety grant in the amount of \$33,000 for the purchase of an ambulance.
- In 2004-05 six additional firefighter paramedics would be hired and a second ambulance would be purchased and placed into service.
- In 2005-06 three additional firefighter paramedics would be hired and a third ambulance would be purchased to serve as a reserve.

In describing the financial aspect of the program, Chief Pretz provided the following information:

- Gross billing charges are based on five calls per day for the first fiscal year, seven calls per day in the second fiscal year, and ten calls per day in the third fiscal year.
- A 64% to 65% collection rate is assumed.

- The total expense for the transportation proposal in the first year is \$764,184, the second year cumulative total is \$1,246,632, and the third year cumulative total is \$1,542,740.
- The proposed voluntary subscription service for emergency ambulance transport was calculated at \$36 a year, with 30% of the 20,692 households participating, totaling \$233,488 in revenue. The annual subscription service would cover all members of a household. If AMR provided the emergency ambulance transport, the City would pay them \$150 per transport.
- If the cost recovery proposal was instituted, the cost to the City to provide paramedic services would be \$62,000 in the first year; without it, the cost would total \$592,000.

In response to questions posed by Council Member Land, Chief Pretz reported that according to figures obtained from Lodi Memorial Hospital they receive 4,055 ambulance arrivals annually. His calculations assume that the Fire Department will receive 30% to 40% of those calls, at an average of five per day in 2003. NFPA 1710 will require additional fire personnel, which Chief Pretz anticipated requesting in July 2003. He reported that in 2001 there were 301 times that ambulances arrived in excess of the eight minute response time. The ambulance compliance rate in 2001 with the county response time requirement was 89%.

Council Member Land reported that on November 2, 2000 the City of Lodi Fire Department had a meeting with AMR to request that at least one ambulance be stationed in the City after 8:00 p.m.

In reply to Mayor Pro Tempore Hitchcock, Chief Pretz explained that the difference in collection rates from city to city depends on how soon the billing goes out, the payer mix, the number of indigent persons, etc. After speaking with various billing agencies, he believed that a 65% collection rate assumption was a conservative number. He acknowledged that 15 paramedics works out to be one per company and that he would likely need to ask for additional personnel to cover for vacations, sick time, etc. The results of a survey of current Lodi Fire Department firefighters found that only two or three are interested in becoming paramedics. Chief Pretz explained that his proposal is to hire paramedics and train them to be firefighters. In reference to the Joint Powers Authority, he stated that paramedics and ambulances would not be excluded from coverage. In response to a communication Ms. Hitchcock stated she had received pertaining to taking calls outside the city limits, Chief Pretz stated that he did not believe it would cause a labor problem.

PUBLIC COMMENTS:

- Tim Bonifay representing Healthcare Workers Union Local 250 of the Service Employees International Union stated that it represents 75,000 healthcare workers in northern California, of which 2,700 are Emergency Medical Technicians (EMTs) and paramedics. Mr. Bonifay noted that he is representing the workers of AMR. He pointed out that if the Council approves the Fire Department's proposal, the City will be paying for a service that it gets for free now. It has the potential to displace good paying jobs. He asserted that if the Fire Department really wanted to provide a better service it would respond to AMR's offer of a public-private partnership to assist in training firefighters to become paramedics, and place them on first responder units. He reported that there has been discussion at the County Board of Supervisors level to place a moratorium on new ambulance permits and to consider a Request for Proposal (RFP) for ambulance transport for the entire county. He stated that problems in Stockton have increased by multiple EMS transport agencies in the city. In summary, Mr. Bonifay stated that the Lodi Fire Department's proposal will cause job loss, cost the City money, it fails to improve the system, wastes taxpayer dollars, and further fractures an already troubled system.

Council Member Howard stated that if there were job losses it would be because of the actions of AMR, not the City.

Mr. Bonifay countered that there are a limited number of calls in the community and he indicated that the demand probably would not support six ambulances.

In answer to Council Member Nakanishi, Mr. Bonifay reported that AMR offers its employees a 401K with a 6% matching contribution from the employer.

- Chris Schamber stated that he has been a Lodi resident for 15 years and has been working in the emergency medical field in San Joaquin County for the past six years. He believed that if paramedics were on every fire engine, the highest level of service would be on scene. If the Fire Department places paramedics only on ambulances, the City still runs the risk of not having a paramedic on the first response unit. He warned that government cutbacks in Medicare funding will have a significant negative impact on taxpayers because 38% of ambulance transport revenue is from this source. Currently there are three full-time ambulances in Lodi from 7:00 a.m. to 7:00 p.m., with four calls per ambulance. If the Fire Department adds two or three additional ambulances, it not only decreases the exposure of the paramedics and EMTs running those calls, but it also reduces the City's chance of getting the revenue it needs to survive. AMR paramedics generally have over ten years of experience. He pointed out that comparing Lodi's proposal with Sacramento is not realistic because they run between 15 to 20 transports per ambulance per shift. In reference to the subscription program, he noted that if the Fire Department and a private ambulance company each had three ambulances covering the City and splitting calls at an average of 12 per day, every three days there would be 36 calls to the hospital, i.e., 18 for the Fire Department and 18 for the private company. If the City had to pay \$150 for every call taken by the private ambulance company, as outlined by the Chief, it would be a significant cost, which he believed was not adequately calculated for in the financial proposal.
- Lou Meyer, Chief Executive Officer of AMR's Northern Pacific Region, did not believe that the Fire Department's proposal would enhance the level of service currently being provided. He pointed out that according to Chief Pretz' financial calculations, by the end of the second year of the program, he is projecting to take 100% of the transport revenue in the community. Mr. Meyer noted that AMR is not planning on leaving the community it has worked in for the past 30 years. He stated that the only approach that appears to enhance the level of service to the community is to place paramedics on engine companies. AMR stands by its previous offer for a public-private partnership concept, whereby it would assist in funding the difference between the salary of a firefighter and a firefighter paramedic. Mr. Meyer explained that the Chief's financial proposal is flawed because he used the total number of transports to Lodi Memorial Hospital without deducting for the number of diversions coming from hospitals in Stockton and the Galt transport system coming into Lodi. The billable transports in the City of Lodi are 3,400. Of 12 calls per day, 20% must be deducted for dry runs, i.e. when patients are not transported. Mr. Meyer estimated that there is \$550,000 of underreported costs in the Fire Department's proposal. In addition, it understates the reality of the subsidy that will be needed. He projected that the subsidy will increase further in year four of the program when the Medicare fee schedule becomes fully implemented. In reference to the subscription program, he noted that most cities have an 18% to 30% participation rate. Participation is affected by factors such as the amount of rental property and Medicare and Medi-Cal population in a community. Lodi has a 38% Medicare and 21% Medi-Cal population. Medi-Cal recipients will not buy a subscription because they do not have a co-pay or deductible. The actuarial risk of the subscription program is not addressed in the Fire Department's proposal. There is a revenue risk of \$144,000, which is the amount that would represent the waived co-payments from the existing payer mix. From an actuarial standpoint the maximum revenue that can be assumed is the premium revenue less the at-risk amount of the population. There is also significant exposure using a subscription program in a system with more than one provider, and this is not addressed in the proposal. He reiterated the earlier speaker's comments regarding pending action by the County Board of Supervisors. Mr. Meyer reported that the CAD data coming from the Stockton Fire Department is in error. AMR hired experts to review the data and they have testified that it is flawed. AMR significantly exceeds

response time requirements under the County EMS Act. In summary, Mr. Meyer stated that the Fire Department's proposal does not enhance the level of service to the Lodi community and it will result in an unnecessary drain on the City's general fund.

In response to questions posed by Council Member Land, Mr. Meyer stated that the governing body given the authority to oversee the EMS system is the County Board of Supervisors. He explained that the reason AMR hired an attorney to go before the Board of Supervisors was because ambulances were being placed in stations without any organizational approach and a system should be in place to serve the best interest of the community. Mr. Meyer confirmed that there are currently three Advanced Life Support (ALS) units and one Basic Life Support (BLS) unit in Lodi. AMR is not going to downgrade those units and will continue to monitor the system to see if an enhanced level of service becomes necessary due to increased demand. He reported that tomorrow, AMR is having an inspection of a third station within the city limits, which will house the third ambulance in the community. He declared that it is never the intent of AMR to have only one ambulance in the City of Lodi because it takes more than that to do the job. He confirmed that AMR is willing to pay the difference in salary between a firefighter and a firefighter paramedic, which was estimated at approximately \$7,600. In addition, he reported that AMR owns the Northern California Training Institute and has agreed to place Lodi firefighters in the classes to obtain paramedic training. He explained that through an RFP process, AMR became the sole exclusive provider for emergency medical transport services in Santa Clara County. AMR has deployed Supplemental Transport Ambulance Resource (STAR) units in the cities of San Jose and Santa Clara. The units are placed in fire stations. AMR provides the ambulance and the fire departments of these cities provide the paramedic and EMT to staff them when it is necessary to use the units. Mr. Meyer offered to place a STAR unit under a similar arrangement in Lodi.

- Pat Patrick read the following letter from the Lodi Chamber of Commerce into the record (filed):

"After much consideration and separate review by our Government Relations Committee and the Board of Directors, the Chamber Board is formally going on record in opposition to the current proposal to establish a City-run ambulance service.

"Our reasons for this position are not without recognition that the Lodi Fire Department is second to none and we are confident the department would operate an exemplary emergency transport service.

"We find the plan to be unfavorable to private business, for which the Chamber stands. Those identifiable and defining needs, which would call for a City-operated service have yet to be proven through our investigation or to our satisfaction. The 'state of the market' for emergency transport is driven by competition from other service providers as well as County government's control of the system, under which transport must operate. This makes income truly unpredictable. Therefore, we believe this is an unnecessary risk of tax dollars.

"We believe it has not been satisfactorily proven the current provider, American Medical Response, has performed poorly, thus putting in jeopardy the citizenry and the employee workforce of Lodi County Emergency Medical Service verifies AMR to be meeting or exceeding their mandated criteria and service levels.

"If, in your minds this is about service, safety, and protection – add paramedics to current firefighting equipment. If it is about a source of revenue, our Board is concerned about the dependability of a positive cash flow from such a service. We believe the opportunity to recoup all associated costs providing emergency

transport service is more determined by the number of providers in the market, County configuration of service, and non-emergency transport billing contracts. Even expertly operated by our City Fire Department personnel, considering these factors are out of Lodi's control, how can anyone, no matter how good, be confident of a profit?

"If 'breakeven' is not achieved, then City ambulances will be subsidized by tax dollars. Why risk entering a new business field with uncontrollable market determinants, if we do not have to?

"In conclusion, if AMR has been negligent in their levels of service, then bring public pressure to bear. As our City Council, you are capable of galvanizing a community's focus as well as that of the media's, to demand the people and businesses of Lodi be adequately protected at acceptable levels. We have not heard that degree of tenacious resoluteness from this Council, nor from the Fire Department, nor from the County Emergency Medical Services regarding AMR's service. Why?

"We remain open to be supportive of other plans should they be developed."

In summation, Mr. Patrick stated that there appears to be an unstable market right now. He defined "unstable" as meaning there are many ambulance providers providing service in Stockton that is driving change into the system. It is an inopportune time for the City to invest in this endeavor. Some providers have expressed an interest in providing ambulance services to Lodi, which would further reduce the opportunity of a return for the Lodi Fire Department. He has spoken with Elaine Hatch Director of the County's EMS who agreed that the numbers coming out of the Stockton Dispatch Center are flawed. If the Fire Department were to get into the ambulance business and be licensed by the County, the Lodi ambulances would have to go outside the city limits. Mr. Patrick believed this to be another disadvantage. He remarked that if this issue is about better service, then there must be a better plan than what was presented tonight.

Council Member Howard believed that AMR's offer to pay the salary differential and provide training for firefighters proves that there is a profit to be made through transport. She asked Mr. Patrick, as a business individual, why the City should not try to gain as much cost recovery as possible by providing the service of transport. As a comparison, she stated that by not doing so, it would be akin to the Chamber of Commerce offering the Farmers Market and similar events, without collecting any revenue for them. She emphasized the importance of having a business plan and recovering as much cost as possible.

- Terry Piazza warned that if the Council approves the Fire Department's proposal the people of Lodi will have to live with it from now on, as there will be no way out of it. The union will control all the people and the private ambulance company will be gone. He noted that nothing in the letter Chief Pretz read from Joseph Harrington indicated that the hospital was in support of the Fire Department taking over ambulance service in the City. He believed that Chief Pretz' financial calculations did not adequately reflect the costs. He asked Council not to get the City into a position that it can never get out of.
- Michael Parker, President and Chief Operations Officer for Priority One Ambulance, stated that his company is the second largest ambulance provider in California. Priority One began providing service in Stockton two months ago. He provided Council with a copy of its county application for license (filed). Priority One attempted to provide service to the Lodi area, but found that the ambulance ordinance and zoning made it difficult. He agreed that the data from the Stockton Dispatch Center is flawed. He disagreed that Lodi would have local control if its Fire Department provided ambulance transport, because Stockton is required to dispatch the closest unit. When a call comes in to the 911 center it will be transferred from the Lodi Police Department to Stockton where it is screened as a secondary piece out. The moment they receive the call and start typing in their CAD system is when the eight minutes starts. The City of Stockton Fire Department has printers and as soon as Stockton

has the address, it automatically goes out to the Fire Department who responds with an engine. It can take the call taker up to two additional minutes before AMR can start responding. Mr. Parker stated he has been at Fire Station #3 with his paramedic units and has watched engine 3 leaving on route to a call, and yet he did not yet have the information from dispatch. The ambulance then follows the engine for a minute before it receives the call. He too believed that the costs in the Lodi Fire Department proposal are flawed. He stated that Lodi will pay \$10 per call per dispatch to run 911 calls with an ambulance whether or not a patient is transported. The County will not allow Lodi Fire Department to operate with just one ambulance. At a minimum, it will be required to purchase two ambulances.

In response to Council Member Howard, Mr. Parker reported that Priority One's headquarters is located in Rancho Cucamonga, California. The company has been in existence for six years and is a spin off of Priority One Long Distance, a California public utility. Mr. Parker stated that he believed Chief Pretz' financial report was off by hundreds of thousands of dollars.

- Julie Ballard reported that she has heard complaints from Lodi firefighters questioning why they have to enter into a mutual aid agreement. She stated that if they did not want to respond to Lower Sacramento Road and Harney Lane, they certainly would not want to respond to the Delta area. She warned Council that union issues will be a big problem for them if the Fire Department's proposal is approved. She was in support of the Fire Department putting paramedics on engines for first response care.
- Walt Saxton stated he was an emergency room nurse for Kaiser South Sacramento. He believed that the Fire Department's report was inaccurate. Many patients taken to emergency rooms are brought in from outside areas, so using hospital figures to draw conclusions from is faulty. He stated that most firefighters do not want to be paramedics and the quality of care that firefighter paramedics provide is not at the level of private sector paramedics. Due to the shortage in paramedics, the City would have to pay a significant amount of money in overtime for coverage. Recruiting and retaining paramedics will be difficult. He supported placing paramedics on engines, but not providing ambulance transport.
- Sandy Wichman, President, Professional Firefighters Local 1225, believed that there would be even more problems getting ambulances in the City if paramedics were placed on the engines and the Fire Department was not allowed to provide transport services.
- Dennis Haugan stated that there has not been a public outcry for the Fire Department to take over the City's ambulance service; however, much has been expressed in its opposition. Many questions have gone unanswered. He suggested that much more study needs to take place before the Council should make a decision.
- John Beckman agreed with statements made by the following speakers: Pat Patrick, Terry Piazza, Lou Meyer, Chris Schamber, Julie Ballard, Walt Saxton, and Dennis Haugan. He pointed out that the letter from Joe Harrington stated only that he would be supportive of anything that improves the care in the community. He did not say that Lodi needed faster ambulance response times. Mr. Beckman supported placing paramedics on engines to enhance patient care in the community, but did not see the need for the Fire Department to take over ambulance transport.
- Bob Johnson disclosed that his son is an AMR paramedic and works in Stockton. He read a letter dated February 2002 from Roger Speed of the Heath Services Agency into the record:

"In order to promote their plans the fire departments in the cities of Lodi and/or Stockton may state that there is a crisis in ambulance service in their cities. This is not backed up by evidence or reliable facts. The fire department in Stockton is

alleging there is a shortage of ambulances; however, no valid information has been presented to demonstrate this problem is true. EMS staff has made repeated requests for the past three years to get information which will substantiate these charges. The fire department staff in Stockton and Lodi have also alleged there are quality problems in ambulance responses, i.e. slow response. Yet these complaints have not been documented and presented to the EMS agency staff to examine or investigate. In the past several weeks EMS has met with representatives from the representatives of the fire departments of the City of Stockton, Lodi, AMR Regional Manager, and the City Manager for the City of Lodi. EMS agency offered to bring all interested parties together to address these issues, but this invitation was rebuffed by the city fire departments."

Mr. Johnson referenced another letter from Elaine Hatch, in which it mentioned that the County EMS hired a consultant to review the data from the Dispatch Center. The consultant's preliminary findings are that the current data is not sufficiently reliable. Through May 2002 the EMS agency has not received any reports or patient complaints about ambulances not responding or where delays resulted in poor patient care. At the July Shirtsleeve Session of the City Council an emergency room doctor stated it was his opinion that there was no problem relative to ambulance service. Mr. Johnson questioned why no one has seriously explored the offer by AMR to provide training and salary subsidy for paramedics. This is a significant benefit with no additional cost to the community. Under Chief Pretz' proposal, if a citizen in Lodi uses an ambulance they will be paying for the service through their insurance, taxes, and a subscription fee. He emphasized that the Council should consider the financial impacts that NFPA 1710 will have on the City's budget.

- Terry Dockter reported that one month ago he had an accident in Bodega Bay and was rendered ambulance service from Marin County to a Sebastopol hospital. He received a bill from Bodega Bay Fire Protection District, with a post office box in Sacramento, which is their billing agency. The ambulance cost was \$1,856. The bill for five hours in the hospital was \$1,149. He noted that he is uninsured, and if the bill he received is any indication of what it would take to fund Lodi Fire Department paramedics and ambulance service, he was opposed to it.
- Dale Jones stated he had served as a paramedic for Lodi Ambulance, Life Medical, and AMR. His final position with AMR was as the Director of Operations. Currently, he is a consultant for the City of Stockton ambulance division. He stated that when the City of Lodi communicates a need for more ambulances, AMR adds them only temporarily until the issue dies down. He believed that putting paramedics on engines would be a great improvement for the community. He commented that his wife is an emergency room nurse and has witnessed delays in transfers due to the lack of ambulances.

Council Member Land reported that 69% of calls are for emergency medical and half of those are ALS 1 calls. He expressed support for placing paramedics on Fire Department engines and allowing AMR to provide transport.

Council Member Nakanishi supported the Fire Department providing paramedic services to improve patient care, but was opposed to ambulance transport, due to financial concerns and the risk involved.

Mayor Pennino also favored providing paramedics on Fire Department engines, but was opposed to transport. He believed that benchmark standards should be developed, and encouraged emergency service providers to sit down together and work on ways to improve response times within the county. If benchmarks are not met, then the Council should reconsider the Fire Department providing ambulance transport. He asked the City Manager to look into the issue of finding locations to place ambulances in the community. He was supportive of allowing other private ambulance providers to serve Lodi. He voiced strong opposition to subscription services.

Council Member Howard stated that she was delighted to hear that the Council was unanimously in favor of having paramedics in the Fire Department. She believed it was important to provide transport services as well. She stated that there are firefighters who would like to work as firefighter paramedics. The City has lost some very qualified and talented firefighters to other areas that provide paramedic transport services. It is important to recruit and sustain the employees that come to Lodi. She reiterated the importance of having a business plan if the City is going to have additional costs associated with placing paramedics in the Fire Department. She acknowledged that there are discrepancies in Chief Pretz' proposal; however, she believed that they are insignificant to the "bottom line" and after a few years of the initial start up costs, the program would break even. She conjectured that the Council would be addressing this topic in the years to come. She described scenarios in which the Fire Department providing transport services would be beneficial, most specifically, that of having an adequate volume of ambulances in the City for response.

Mayor Pro Tempore Hitchcock stated that as a Council Member she has an obligation to look at providing as much revenue as possible to offset the cost of services. She voiced support for the Fire Department's proposal.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously directed the Lodi Fire Department to proceed with providing paramedics on its engine companies and present the City Council with a plan during the 2003-04 budget cycle to phase in the program.

MOTION #2:

Council Member Land made a motion, Pennino second, to direct the Lodi Fire Department to form a public/private partnership with American Medical Response (AMR) for the following services as offered by AMR:

- AMR will provide paramedic training to Lodi Fire Department personnel through its affiliate Northern California Training Institute;
- AMR will provide remuneration of the 15% salary differential between firefighter and paramedic; and
- AMR will place Supplemental Transport Ambulance Resource (STAR) units at Lodi Fire Stations and negotiate a flat rate for each use.

DISCUSSION:

Council Member Howard stated that she was not in favor of a partnership.

Mayor Pro Tempore Hitchcock agreed and added that the City needs to maximize its revenue for the additional cost of providing paramedics.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Land, Nakanishi, and Mayor Pennino

Noes: Council Members – Hitchcock and Howard

Absent: Council Members – None

RECESS

At 10:40 p.m., Mayor Pennino called for a recess and the City Council meeting reconvened at 10:50 p.m.

I. REGULAR CALENDAR (Continued)

- E-6 "Adopt resolution approving replacement purchase of an AS400 mid-range computer from Logical Design, Inc., of Rancho Cordova, CA (\$120,817.78)"

At the request of Council Member Hitchcock, Information Systems Division Manager Mann explained that the City has a five-year old computer that will not be supported by IBM in the near future. An opportunity now exists to replace it for a 50% discount. A new computer will provide upgradeability of the City's software and it will result in dramatic improvements in performance.

In reply to Mayor Pennino, Mr. Mann reported that the current AS400 operating system has been upgraded to version 4.

City Manager Flynn stated that \$50,000 a year had been budgeted for the purpose of upgrading the system.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Howard second, unanimously adopted Resolution No. 2002-195 approving the replacement purchase of an AS400 mid-range computer from Logical Design, Inc., of Rancho Cordova, in the amount of \$120,817.78.

J. ORDINANCES

- J-1 Ordinance No. 1717 entitled, "An Ordinance Of The City Council Of The City Of Lodi Repealing Ordinance No. 1713 Relating To The Adopting Of The Redevelopment Plan For The Lodi Redevelopment Project No. 1" having been introduced at a regular meeting of the Lodi City Council held September 4, 2002 was brought up for passage on motion of Council Member Land, Howard second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: **Council Members – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino**

Noes: **Council Members – None**

Absent: **Council Members – None**

Abstain: **Council Members – None**

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Nakanishi stated that he was looking forward to participating in the upcoming Grape Festival Parade.
- Council Member Howard announced that she just returned this evening from a conference in southern California hosted by the California Peace Officers Association, COPS West. She stated that one of her goals during her term on the Council is to establish a task force that specializes in high-tech and identity theft crimes. At the conference it was reported that one in four Americans will be the victim of identity theft. Joining her at the conference was Police Chief Adams, who is the second vice president for the California Peace Officers Association, and Lieutenants Noblett and Somera. Chief Adams attended a specialized program with a focus on homeland security. In reply to Mayor Pro Tempore Hitchcock, Ms. Howard reported that federal funding for California was approximately \$398 million, of which 75% will go toward municipal agencies.
- Council Member Land stated that The Woman's Club did a fantastic job in coordinating the September 11 ceremony and asked that a thank you be prepared for them. He thanked Mayor Pennino for attending F & M Bank's flag raising ceremony. He announced that Lodi House is having a fundraiser on October 13 at Jessie's Grove Winery. He received a letter from a citizen thanking Police Officers Dave Griffin and Dale Eubanks, as well as Joseph Wood and Nancy Baker, for their assistance with a neighborhood issue.

Continued September 18, 2002

- Council Member Hitchcock commented on the nice dinner that Lodi Century Assembly Church put on to highlight its Adopt-A-Block program. She asked City Attorney Hays what effect the recent decision from the 9th Circuit Court of Appeals had on the PCE/TCE issue.

City Attorney Hays said the decision was non substantive and did not deal with the merits of the case.

- Mayor Pennino announced that effective September 26, cable channel 26 would be televising Lodi City Council meetings live and replaying the meetings at 3:00 p.m. on Fridays. He commented that in addition to the September 11 memorial at the Veterans Plaza there was a candlelight vigil coordinated by the evangelical community. He thanked staff and Council for approval of the railroad track removal project on Lodi Avenue.
- Mayor Pro Tempore Hitchcock inquired when her request for a closed session to consider a second opinion on the PCE/TCE matter will be placed on the agenda.

Mayor Pennino replied that an update on the issue will be scheduled, and discussion about a second opinion can occur at that time.

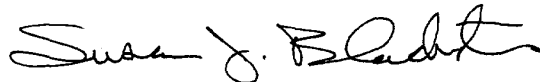
L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn announced that the first regularly scheduled meeting in October has been canceled, due to Council's attendance at the League of California Cities annual conference. He reported that an article entitled "California Starved for Energy – US Businesses Had a Feast" in Monday's issue of the Wall street Journal mentioned Electric Utility Director Alan Vallow. He announced the following birthdays: Emily Howard September 25, Charlene Lange September 29, Vicky McAthie September 30, Mike Pretz October 2, Susan Hitchcock October 3, and Keith Land October 13.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:10 p.m.

ATTEST:



Susan J. Blackston
City Clerk